IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Crl.MC.No. 3425 of 2007()

AGAINST THE ORDER IN IN L.P.16/2002 IN
CMP.6074/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VADAKKANCHERY

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PETITIONER: ACCUSED

NANDAKUMAR @ NANDAN @ MOHAN KUMAR
S/O. NARAYANAN, AGED 38 YEARS
KODAPANAKKAL VEED, MANAKKODI VILLAGE ARIMBUR
THRISSUR (PERMANENT RESIDENT OF 532,
NETHAJI NAGAR, PALANI, TAMIL NADU.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS: RESPONDENT

STATE BY WADAKKANCHERY POLICE STATION
(CRIME NO.298/98) REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/11/2007 ALONG WITH CRMC.NO.3429 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.3425 & 3429 of 2007

Dated this the 15th day of November, 2007

O R D E R

The petitioner, who faces indictment in 2 separate prosecutions, both under Section 379 I.P.C, had applied for bail and bail was granted to the petitioner by the learned Magistrate subject to the condition that the petitioner must execute bonds for the prescribed amount with two solvent sureties each for the like sum. It was further directed that the sureties shall produce their original title deeds for verification.

2. According to the petitioner, he is unable to offer sureties in Kerala. He prays that identical directions as were issued to him as per common order dated 25.10.07 in Crl.M.C.No.3265 of 2007 and other connected petitions may be issued in his favour in this case also. The relevant observations in para.3 of the said order reads as follows:

> "In the course of discussions at the Bar, the learned counsel for the petitioner submits that the petitioner is willing to offer cash security as condition for grant of bail. In the alternative he submits that he may be permitted to produce sureties from his native place at Tamil Nadu. It is for the petitioner to make appropriate fresh application for bail before the learned Magistrate in all the pending prosecutions. The learned Magistrate must consider the

prayer of the petitioner including the prayer that he may be permitted to offer sureties from his native place or may be permitted to make cash deposits to show his bona fides. Such prayer, needless to say, must be considered by the learned Magistrate expeditiously and appropriate orders must be passed."

3. I am satisfied that there can be a direction to the learned Magistrate that the benefit of the said observation must be extended to the petitioner in this case also. The petitioner can make an application before the learned Magistrate to release him on making cash security. Appropriate orders on merits shall be passed by the learned Magistrate.

4. These Crl.M.Cs are allowed to the above extent.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-

true copy PA to Judge